

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:22-CV-149-BO


DALLAS CLEON POOLE SR.,)
Plaintiff,)
v.)
CAREY HAWKINS and SEMPER FI &)
AMERICA'S FUND,)
Defendants.)

ORDER

This defamation case is before the Court on defendants' motion to dismiss. On April 5, 2022, Dallas Cleon Poole emailed one of Semper Fi's employees, asking Semper Fi to donate food to a military event. [DE 1-2 at 9]. This was an unusual request, so the employee copied Carey Hawkins onto her reply. Hawkins forwarded Poole's original email to another coworker. In this case, Poole sued Hawkins and Semper Fi for common law defamation, seeking \$50,000.

Even though neither party raised the issue, this Court may consider *sua sponte* whether it has subject matter jurisdiction over the matter. FED. R. CIV. P. 12(h)(3). Poole has alleged neither federal question jurisdiction nor diversity jurisdiction. Plaintiff is suing defendants for common law defamation, a tort that does not establish federal question jurisdiction. And there is no diversity jurisdiction. First, there is no evidence the parties have diverse citizenship. Second, the amount in controversy (\$50,000) is below the required threshold (\$75,000) to establish diversity jurisdiction. 28 U.S.C. § 1332(a)(1). Therefore, this Court lacks subject matter jurisdiction over the matter, and plaintiff's complaint is DISMISSED without prejudice. The Clerk is DIRECTED to enter judgment and close the case.

SO ORDERED, this 10 day of July, 2023.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE